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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,142	03/30/2007	Tamihiko Izumino	4495-097	1290
22429 7590 01/21/2010 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER ITURRALDE, ENRIQUE W				
ART UNIT 2179		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,142

Applicant(s)

IZUMINO ET AL.

Examiner

ENRIQUE W. ITURRALDE

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-7, the limitation "editing/distribution" renders the claim(s) indefinite because the claim(s) renders the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Editing and distribution are two separate functions in the art, and it is not clear which is being claimed.

Regarding claims 1-7, the phrase "and/or" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 2, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Regarding claim 2, the phrase "such images as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over "JP 2001054046" in view of LeBlanc (US 2003/0189589).

As per claim 1, JP2001054046 teaches a wedding ceremony information distribution system for editing and processing image data taken at a wedding hall within a prescribed time at a center connected to a communication network and for transmitting the processed data in real-time to prescribed distribution destinations, the wedding ceremony information distribution system comprising: one or a plurality of cameras disposed in a wedding hall for imaging a wedding ceremony and/or reception [video cameras in a wedding hall (0002 and 0008)]; a video projector and a computer terminal disposed in the wedding hall [projector in wedding hall (0009)]; and an editing/distribution center connected to the computer terminal for editing, processing, and distributing image data taken at the wedding hall and transmitted by the computer terminal [personal computer connected to a digital receiver, digital camera (0007), and content is assembled and edited (0009, 0010, 0013)]; the computer terminal comprising: image data transmission means for transferring image data from the cameras into the computer terminal and transmitting the image data to the editing/distribution center [transmitting data from digital video camera to digital receiver of 0008]; video data reception means for receiving video data edited and processed at the editing/distribution center based on the image data taken at the wedding hall [received content is edited and assembled (0009, 0010, and 0013)]; and video data writing means for writing video data received from the editing/distribution center onto a recording medium in order to play back the video data with the video projector [storing the recorded event on a CD or DVD (0006, 0007, 0013) after editing and assembling]; the editing/distribution center comprising: image data reception means for receiving image data taken at the wedding

hall and transferred to the computer terminal from the computer terminal [transmitting data from digital video camera in wedding hall to digital receiver of 0008]; video data editing means for editing and processing the received image data by adding the names of people attending the reception, animation, and other prepared data for producing video data to be projected with the video projector [included and inserted are other information such as previously prepared information, messages (0009)]; and video data transmission means for transmitting the edited and processed video data to the computer terminal [video is captured by video camera, transmitted to digital receiver, a digital receiver is connected to a personal computer for reception of the processed video (0007-0008)].

While JP2001054046 teaches means for editing and processing the recorded video and audio, it is not apparent whether the editing/distribution center is located locally within the network, or externally, on a server. Thus, JP2001054046 fails to expressly disclose an editing/distribution center connected to the computer terminal *via a communication network* for editing, processing, and distributing image, as recited in claim 1. In the same field of the invention, LeBlanc discloses a video media input communicatively coupled to an editing system for manipulating the information received from the media input and a distribution system. Further, a portable access device is communicably coupled to the distribution system [0007], the portable access device maintained local to the event venue [0008]. All systems and devices are coupled to one another via network [0020]. It would have been obvious to one of ordinary skill in the art, having the teachings of JP2001054046 and LeBlanc before him at the time the

invention was made, to modify the layout of devices communicating with one another and transmitting information to one another taught by JP2001054046 to include the network of LeBlanc, in order to obtain a network for communicatively coupling an editing/distribution center with a computer terminal of B. One would have been motivated to make such a combination to distribute live and pre-recorded media as well as other information in relation to ongoing events, as taught by LeBlanc [0005].

As per claim 2, JP2001054046 teaches the video data editing means at the editing/distribution center edits the video transmitted from the computer terminal, including such images as the wedding ceremony performed at a church, shrine, or the like, the reception, speeches, and wedding accessories [wedding reception, wedding cake (0013), congratulatory address (0010)].

In the same field of the invention, LeBlanc further teaches transmitting image data taken as digital video data, converts the data to streaming data, and the video data transmission means distributes the streaming data via the communication network to prescribed distribution destinations pre-registered in a database [digital video (0050), capturing/editing video information and streaming that media to portable access device (0025, 0060)]. One would have been motivated to make such a combination to distribute live and pre-recorded media as well as other information in relation to ongoing events, as taught by LeBlanc [0005].

Claims 3-7 are rejected for being indefinite, and thus cannot be rejected on the merits until further clarification.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ENRIQUE W. ITURRALDE whose telephone number is (571)270-3627. The examiner can normally be reached on Monday-Thursday 9 AM - 5 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. W. I./
Examiner, Art Unit 2179

/Ba Huynh/
Primary Examiner, Art Unit 2179